

DOCKET NO: 243460US26YA

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DAVID L. O'MEARA, ET AL. : EXAMINER: W. DAVID COLEMAN
SERIAL NO: 10/673,513 :
FILED: SEPTEMBER 30, 2003 : GROUP ART UNIT: 2823
FOR: METHOD FOR MONITORING :
STATUS OF SYSTEM COMPONENTS :

SECOND REPLY BRIEF IN REPLY TO
SECOND SUPPLEMENTAL EXAMINER'S ANSWER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Appellants received a document entitled "Examiner's Answer" mailed from the Patent Office on April 6, 2010, which states

The following action is a supplemental answer and is to be considered a substitute for the Examiner's answer of April 19, 2007. The Answer of April 19, 2007 is hereby vacated as per the Remand from the Board of Patent Appeals and Interferences order of April 1, 2009. *Additionally, it is noted that the applicant has already replied to the arguments in this supplemental answer in the reply brief filed June 7, 2007 which has been noted by the examiner on September 18, 2007.*¹

However, the April 6, 2010 Examiner's Answer cites col. 9, lines 1-26 of Rulkens which was not previously cited in the April 19, 2007 Examiner's Answer.² Thus, Appellants treat the April 6, 2010 Answer as a Second Supplemental Examiner's and provide this second Reply Brief in accordance with 37 C.F.R. § 41.43(b).

¹ April 6, 2010 Examiner's Answer at page 3, lines 3-8 (emphasis added).

² April 6, 2010 Examiner's Answer at pg. 15, lines 3-4.

The April 6th Examiner's Answer cites column 9, lines 1-26 of Rulkens to support the position that Rulkens discloses deposition of a film on "a system component." However, this portion of the reference discusses preventing deposition on an optical view port by using a retractable window or a protective cover; there is no monitoring of the status of the optical view port as required by the claims. The outstanding rejection is based on the substrate or wafer being a "system component" because film thickness is only monitored on the substrate or wafer in Rulkens. The additional portion of Rulkens now cited does not support this definition.

In this regard, Appellants further note that "system" is defined as:

- an assemblage or combination of things or parts forming a complex or unitary whole (Dictionary.com Unabridged v1.1);
- a group of devices or artificial objects or an organization forming a network especially for distributing something or serving a common purpose (Webster);
- A functionally related group of elements, especially: . . . d. A group of interacting mechanical or electrical components; . . . f. A network of related computer software, hardware, and data transmission devices (American heritage);
- a set of connected items or devices which operate together (Cambridge).

Thus, from a purely definitional standpoint, a processing system may be understood to be an assembly of several parts or components integrated for purposes of accomplishing a process. Thus, a system component, i.e., a component of the system, is one of the parts of the assembly that makes up the processing system.

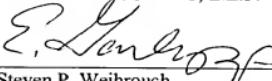
Persons of ordinary skill in the art of semiconductor processing refer to "system components" as being the components that make up the processing system. It is also known for the system components to further have protective coatings thereon. "System component" is distinguished from the work pieces or substrates that are inserted into the processing

system, subjected to a process, and then removed from the processing system after processing. The semiconductor substrates are placed in the processing system for one or more of a variety of processes, such as deposition of material onto a substrate layer, removal of the material from the substrate, or alteration of the material that forms part of the substrate. The term semiconductor substrate is understood to refer to an underlying substrate material upon which layers may be deposited, as well as the overall semiconductor part before and after processing. The substrate does not form part of the assembly of components integrated for purposes of accomplishing a process, but rather, is the very thing upon which the process is performed. Thus, it is an error on the Examiner's part to equate a system component and a semiconductor substrate.

For the reasons discussed above, and in the Appeal Brief filed September 5, 2006 and the Reply Briefs filed February 1, 2007 and June 7, 2007, the rejection of Claims 1-6, 8, 29 and 30-32 is improper and should be withdrawn.

Respectfully submitted,

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